

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN BILL THOMAS**, on March 23, 2001 at 3:00 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Bill Thomas, Chairman (R)  
Rep. Roy Brown, Vice Chairman (R)  
Rep. Trudi Schmidt, Vice Chairman (D)  
Rep. Tom Dell (D)  
Rep. John Esp (R)  
Rep. Tom Facey (D)  
Rep. Dennis Himmelberger (R)  
Rep. Larry Jent (D)  
Rep. Brad Newman (D)  
Rep. Mark Noennig (R)  
Rep. Holly Raser (D)  
Rep. Diane Rice (R)  
Rep. Rick Ripley (R)  
Rep. Clarice Schrumpf (R)  
Rep. Jim Shockley (R)  
Rep. James Whitaker (R)

**Members Excused:** Rep. Daniel Fuchs (R)

**Members Absent:** None

**Staff Present:** David Niss, Legislative Branch  
Pati O'Reilly, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 420; SB 442; SB 329; SJ 8;  
3/19/2001  
Executive Action: SB 116; SB 442; SB 28; SB 440;  
SJ 8

**HEARING ON SB 420**

**Sponsor:** Senator Waterman, SD 26

**Proponents:** Denzel Davis, DPPHS  
Judy Peterson, Montana Hospital Assn.  
Rose Hughes, MT Health Care Assn.

**Opponents:** None

**Opening Statement by Sponsor:** Sen. Waterman, SD 26, introduced SB 420. The bill requires DPPHS to provide standard forms and materials for personal care facilities and health professionals. It also requires the DPPHS to review the administrative rules and prepare a report for the legislature. ***{Tape : 1; Side : A; Approx. Time Counter : 0 - 4}***

**Proponents' Testimony:** Denzel Davis, DPPHS, Quality Assurance Division. The department worked closely with appropriations and we agree with the need for this bill. There is significant growth in personal care. ***{Tape : 1; Side : A; Approx. Time Counter : 4 - 4.8}***

**Judy Peterson, Director Extended Care Services for Montana Healthcare Providers and MHA.** We are in favor of this bill and will work with the Department to review the rules and prepare the report for next legislature. ***{Tape : 1; Side : A; Approx. Time Counter : 4.8 - 5.3}***

**Rose Hughes, MT Health Care Assn.** We represent personal care facilities which are covered by this bill. There is a need for education and training in this area. ***{Tape : 1; Side : A; Approx. Time Counter : 5.3 - 5.9}***

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** Rep. Facey: Denzel Davis - Mr. Davis, there was an article in the Missoulian about an assisted living problem in Missoula. Did the DPPHS become involved in that case? Denzel Davis - DPPHS was involved and the senior long term care people were also involved.

**Rep. Facey: Sen Waterman,** could we address some amendments dealing with assisted living centers and family members. **Sen. Waterman-**certainly, it would be most appropriate to put these concerns in the study list of this bill.

**Closing by Sponsor:** Sen. Waterman, this is one of the fastest growing areas of human services. The assisted living and personal care facilities need some structure and this study will allow us to develop a new system for these facilities. {Tape : 1; Side : A; Approx. Time Counter : 5.9 - 9.5}

**EXECUTIVE ACTION ON SB 116**

**Motion:** REP. SCHMIDT moved that SB 116 BE CONCURRED IN.

**Discussion:** We need to pass this bill out of here, because it is in conflict with SB 170. Then we can begin the work on coordinating instructions that will make these two bills fit together.

**Motion:** REP. NEWMAN moved that SB 116 BE AMENDED.

**Discussion:** Rep. Newman explained the amendments. There is concern with the policy being changed on Page 9, lines 12 through 16. It is a good bill but we need to be concerned about the language that calls for an assessment before the investigation. Do we want to establish a policy of assessing the report before it is investigated. Currently, they must investigate first.

**EXHIBIT (huh66a01)**

**Rep. Shockley:** I resist the amendment as it seems like the Dept. is trying to be reasonable. Left the way it is-it says a thorough investigation shall be conducted by a peace officer into the situation and surroundings. The Dept. has limited resources and only have the ability to assess the report. Other agencies have the funds and ability to do an investigation.

**Rep. Esp:** I resist this amendment.

**Rep. Rice:** In the hearing they said most of the complaints were from divorces, etc. They soon were able to sort out the complaints and decide if the were legitimate before referring action.

**Rep. Noennig:** I have an amendment, but will not offer it until we see the results of this amendment. I share the concern of Rep. Newman.

**Rep. Brown:** I think we should leave it to the Dept. to assess the situation and I will resist this amendment. We need to give the Dept. some latitude.

**Rep. Shockley:** This does not say they do not have to do anything about meritorious calls and valid complaints.

**Rep. Facey:** I recommend we pass the amendment and the bill.

**Motion/Vote:** REP. NEWMAN moved that SB 116 BE AMENDED. Motion failed 5-13 with Dell, Esp, Facey, Lee, and Newman voting aye.

**Motion:** REP. NOENNIG moved that SB 116 BE AMENDED.

**Discussion:** Rep. Noennig moves conceptual amendment. Page 9, line 13 between the word shall and access insert the word promptly. On Page 16 reinsert the word prompt that is currently crossed out.

**Motion/Vote:** REP. NOENNIG moved that SB 116 BE AMENDED. Motion carried 18-0.

**Motion/Vote:** REP. NEWMAN moved that SB 116 BE CONCURRED IN AS AMENDED. Motion carried unanimously. Rep. Newman to carry on house floor. {Tape : 1; Side : A; Approx. Time Counter : 9.5 - 24.8}

#### HEARING ON SB 442

**Sponsor:** Senator Cobb, SD

**Proponents:** Brad Weber, Boy Scouts  
Colleen Murphy, Social Workers Assn.

**Opponents:** None

**Opening Statement by Sponsor:** Sen. Cobb: This bill creates revolving loans for low income families. There is no money in this bill unless DPPHS wants to put money in the program. The concept is to allow - page 1, lines 19 through 25, low income families to come to the DPPHS to qualify for a loan. They could use the loans up to \$8000.00 for job training expenses or business start up costs. This is intended to by-pass the bureaucratic process and make it simpler. {Tape : 1; Side : A; Approx. Time Counter : 24.8 - 30}{Tape : 1; Side : B; Approx. Time Counter : 0 - 1.1}

**Proponents' Testimony:** Brad Weber, Boy Scouts, I am in favor of this bill. **EXHIBIT**(huh66a03) {Tape : 1; Side : B; Approx. Time Counter : 4.6 - 4.8}

Colleen Murphy, MT Chapter of Association of Social Workers, I support this bill.{Tape : 1; Side : B; Approx. Time Counter : 4.8 - 5}

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** Rep. Brown: Sen. Cobb, There is a note that saying there is a problem using these funds, do you feel using these funds is okay? Sen. Cobb, I think you can do it.

Rep. Shockley: Sen. Cobb, we have a 26 million dollar surplus in the TANF money, could that money go to fund this bill? Sen. Cobb: Is this surplus TANF funds? We get about 44 million dollars to be used for the DPPHS. Everyone is arguing where to put that money. They could put that surplus money here, if they wanted to.

Rep. Esp: Sen. Cobb: The loan repayment is limited to 2 years, this makes large payments for these people. Sen. Cobb: Somebody will always fall through the cracks, but it can work for others and that justifies implementation of this bill. I wanted it over 5 years, but had lots of resistance. {Tape : 1; Side : B; Approx. Time Counter : 1.1 - 4.6}

**Closing by Sponsor:** Sen. Cobb had to go vote and did not close. {Tape : 1; Side : B; Approx. Time Counter : 5}

#### **HEARING ON SB 329**

**Sponsor:** Senator Roush, SD 43

**Proponents:** Dale Pouland, CEO -Glacier County Hospital  
John Flink, MT Hospital Assn.  
Jack Halligan, Boy Scout  
Sami Butler, MT Nurses Assn.  
Jani McCall, Deaconess Billings Clinic

**Opponents:** None

**Opening Statement by Sponsor:** Senator Roush, SD 43 introduces SB 329. All Montana healthcare providers are having problems finding register nurses and licensed practical nurses. This bill we hope will address the shortage on a temporary basis. This is designed to allow the Montana Board Nursing to issue temporary licenses to RN and LPN from Canada to work in Montana, for up to a period of six months. Section 2, requires the Montana Board of Nursing to grant temporary licensing to RN and LPN from other states. The Board of Nursing adopted a regulation the puts this practice in place and we now want it in statute to insure that it is not appealed by the Board at some future date. Section 5 has a sunset on the bill of 6/30/2007. This was done so we can review this

program and see how it is working. **{Tape : 1; Side : B; Approx. Time Counter : 5 - 10.9}**

**Proponents' Testimony:** Dale Pouland, CEO of Glacier County Medical Center, Cut Bank, MT. We are a small rural facility with a critical nurse shortage. We have been down as many as twelve positions and have spent upward of \$269,000.00 since July 1<sup>st</sup>, 2000 on traveling nurses. We have tried several alternatives that have been unsuccessful in recruiting nurses. For these reasons we support this bill. **{Tape : 1; Side : B; Approx. Time Counter : 10.9 - 13.2}**

**John Flink, Montana Hospital Assn.** The nursing shortage is being experienced throughout the State. This bill is an effort to help with the shortage and MHA supports this bill. **{Tape : 1; Side : B; Approx. Time Counter : 13.2 - 14}**

Jack Halligan, Boy Scout: I am supporting this bill. **EXHIBIT** (huh66a02) **{Tape : 1; Side : B; Approx. Time Counter : 14 - 14.6}**

**Sami Butler, MT Nursing Association.** We worked with other groups to get this bill and hope you will pass this bill. **{Tape : 1; Side : B; Approx. Time Counter : 14.6 - 15.2}**

**Jani McCall, Billings Deaconess Clinic.** We support this bill. **{Tape : 1; Side : B; Approx. Time Counter : 15.2 - 15.5}**

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:** Rep. Whitaker: Sami Butler: Sami, can you give me an idea of the cost and how big is this shortage? Sami Butler: The shortage is effecting every county in the State of Montana. **{Tape : 1; Side : B; Approx. Time Counter : 15.5 - 16.9}**

**Closing by Sponsor:** Sen. Roush closed by asking the committee to pass this bill. **{Tape : 1; Side : B; Approx. Time Counter : 16.9 - 17.5}**

#### **EXECUTIVE ACTION ON SB 442**

**Motion:** REP. SCHMIDT moved that SB 442 BE CONCURRED IN.

**Motion/Vote:** REP. NOENNIG moved that SB 442 BE AMENDED. Motion carried unanimously.

**Motion/Vote:** REP. NOENNIG moved that SB 442 BE CONCURRED IN AS AMENDED. Motion carried 13-5. Esp, Ripley, Rice, Hemmelberger and Whitaker voting no. Rep. Lee to carry on the house floor. {Tape : 1; Side : B; Approx. Time Counter : 17.5 - 22}

**EXECUTIVE ACTION ON SB 28**

**Motion:** REP. NOENNIG moved that SB 28 BE CONCURRED IN.

**Motion:** REP. NOENNIG moved that SB 28 BE AMENDED. **EXHIBIT** (huh66a04)

**Discussion:** Rep. Noennig explains the amendment and its effect on the Supreme Court ruling. These amendments are to attempt to eliminate the legal problems with this bill.

**Substitute Motion:** REP. FACEY made a substitute motion that SB 28 - AMENDMENTS BE SEGREGATED BY #1 AND THEN #2 THROUGH 34. Amendment 1 passed 16-2 with Lee and Facey voting no. Amendments 2 through 34 passed unanimously.

**Motion/Vote:** REP. NOENNIG moved that SB 28 BE AMENDED. Motion carried 17-1 with Lee voting no. **EXHIBIT** (huh66a05)

**Motion/Vote:** REP. ESP moved that SB 28 BE CONCURRED IN AS AMENDED. Motion carried unanimously. Rep. Shockley to carry on the house floor. {Tape : 1; Side : B; Approx. Time Counter : 22 - 30} {Tape : 2; Side : A; Approx. Time Counter : 0 - 15.4}

**HEARING ON SJ 8**

**Sponsor:** Sen. Christeans, SD 23

**Proponents:** None

**Opponents:** None

**Opening Statement by Sponsor:** Sen. Christeans, This resolution requests a interim study on privatization of foster care and adoption. Other states have had good results with privatization of foster care and it has been cost effective. In Montana we have from 2,500 to 3,000 young children in foster care at one time. We need to make sure if we do this, it is done properly and we have adequate information. {Tape : 2; Side : A; Approx. Time Counter : 15.4 - 18.6}

**Proponents' Testimony:** None

**Informational Witness Testimony:** Chuck Hunter, DPPHS. This agency currently is charged with the foster children program. We think this study is necessary if we are going to move towards privatization. We need look at other states experiences.

**Colleen Murphy, Ex. Director of Mt Chapter of National Association of Social Workers.** We are pleased to see this bill that allows for a through study before a decision is made. **EXHIBIT (huh66a06)**

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:** Sen. Christeans closed SJ 8. {Tape : 2; Side : A; Approx. Time Counter : 18.6 - 22.2}

**HEARING ON SB 440**

**Sponsor:** Sen. Christeans, SD 23

**Proponents:** Claudia Clifford, MT Insurance Commissioner  
Susan Good, ACHE  
Susan Witte, Blue Cross, Blue Shield  
Betty Beverly, MT Senior Citizens Assn.  
Mary Allen, MT Benefits and Life Insurers

**Opponents:** None

**Opening Statement by Sponsor:** Sen. Christeans, SD 23. SB 440 requires full disclosure to consumers of healthcare. This bill requires the same disclosure rules apply to HMOs as is currently required of other insurance companies. Consumers need the information before purchasing HMO protection. {Tape : 2; Side : A; Approx. Time Counter : 22.2 - 23.6}

**Proponents' Testimony:** Claudia Clifford, MT Insurance Commissioners Office. This bill says an insurance policy outline of benefits must be clear, concise, obvious and easily understood the conditions and what you as an insured is going to have to pay for above and beyond what the insurance company is going to pay. {Tape : 2; Side : A; Approx. Time Counter : 23.6 - 25.4}

**Susan Good, ACHE.** We have been strong supporters of this bill and encourage you to pass the bill. {Tape : 2; Side : A; Approx. Time Counter : 25.4 - 26.6}



**Susan Witte, Blue Cross/Blue Shield.** We support this bill. {Tape : 2; Side : A; Approx. Time Counter : 26.6 - 27}

**Betty Beverly. MT Senior Citizens Association.** We are concerned about HMO's and think this bill is necessary. {Tape : 2; Side : A; Approx. Time Counter : 27 - 27.4}

**Mary Allen, MT Benefits and Life Companies,** we support this bill. {Tape : 2; Side : A; Approx. Time Counter : 27.4 - 27.9}

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** Rep. Jent: **Claudia Clifford**, this is the bill which seeks to insure that HMO's, in great big letters on the policy, tell you what you are responsible for if you do not go to a preferred provider? **Claudia Clifford:** Yes, that is correct. Rep. Jent: As a practical matter, don't most policies in Montana do that now? **Claudia Clifford**, we don't have a current law that mandates this, we try, but if it is law we can require this disclosure. {Tape : 2; Side : A; Approx. Time Counter : 27.9 - 29.4}

**Closing by Sponsor:** Sen. Christeans I close. {Tape : 2; Side : A; Approx. Time Counter : 29.4 - 30.4}

#### **EXECUTIVE ACTION ON SB 440**

**Motion/Vote:** REP. JENT moved that SB 440 BE CONCURRED IN. Motion carried unanimously. Rep. Jent to carry on the house floor. {Tape : 2; Side : B; Approx. Time Counter : 0 - 0.3}

#### **EXECUTIVE ACTION ON SJ 8**

**Motion/Vote:** REP. JENT moved that SJ 8 BE CONCURRED IN. Motion carried 17-1 with Brown voting no. Rep. Facey, to carry on house floor. {Tape : 2; Side : B; Approx. Time Counter : 0.3 - 1.4}

**ADJOURNMENT**

Adjournment: 5:22 P.M.

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REP. BILL THOMAS, Chairman

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PATI O'REILLY, Secretary

BT/PO

**EXHIBIT** (huh66aad)